

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Qwest Communications International, Inc.)	WC Docket No. 02-89
)	
Petition for Declaratory Ruling on the Scope of)	
The Duty to File and Obtain Prior Approval of)	
Negotiated Contractual Arrangements)	
Under Section 252(a)(1))	

REPLY COMMENTS OF WORLDCOM, INC.

WorldCom, Inc. (“WorldCom”) hereby submits its reply to comments filed in response to the above-captioned Petition filed by Qwest.¹ The commenting parties unanimously opposed Qwest’s petition. The parties agreed that the petition was nothing more than an after-the-fact attempt to obtain regulatory relief from the Federal Communications Commission (the “Commission”) for Qwest’s failure to obtain prior state commission approval of interconnection agreements negotiated under section 252(a)(1) of the Telecommunications Act of 1996 (the “Act”).²

The record amassed thus far conclusively demonstrates that there is no “uncertainty” or “controversy” concerning what types of interconnection agreements should be submitted for state commission approval.³ It is undisputed that all agreements

¹ Qwest Communications International, Inc., Petition for Declaratory Ruling on the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements Under Section 252(a)(1), WC Docket No. 02-89 (filed April 23, 2002).

² 47 U.S.C. § 252(a)(1).

³ Mpower Communications Corp. opposes Qwest’s petition but also uses this as an opportunity to promote its FLEX proposal, which is irrelevant to this proceeding. Petition of Mpower Communications Corp. for Establishment of New Flexible Contract Mechanism not Subject to “Pick and Choose,” CC Docket No. 01-117 (filed May 25, 2001). On July 18, 2001, WorldCom maintains its opposition to Mpower’s petition.

between incumbent local exchange carriers (“ILECs”) and competitive local exchange carriers (“CLECs”) that in any way impact interconnection pursuant to sections 251 and 252 of the Act need to be filed for approval by the state commissions. Section 252(a)(1) clearly requires approval of interconnection agreements in their entirety, with no exceptions. As several parties pointed out, section 252(e) requires *any* interconnection agreement be filed for approval, which is consistent with the Commission’s interpretation of the statute and Congressional intent. AT&T Comments at 7-8; New Mexico AG, Iowa Consumer Advocate Joint Comments at 13-14; Minnesota Dept. of Commerce Comments at 29-30.

Several parties agreed that Qwest was not at all confused about which agreements need to be filed, but instead filed the petition with the Commission with the hopes that the Commission will condone Qwest’s secretive agreements. Touch America Comments at 3-6; AT&T Comments at 15. This is a transparent attempt by Qwest to remove CLECs as obstacles to its pursuit of section 271 approval and retain the ability to leverage its monopoly control to thwart competitors’ efforts to assert their rights under section 251 of the Act. Touch America Comments at 4; New Edge Comments at 3.

Not only is Qwest’s petition an attempt to frustrate competition and escape liability for failing to comply with the Act, it also seeks to limit the scope of CLECs’ rights to “pick and choose” under section 252(i). CLECs can only opt-in to agreements that 1) that have been approved by the state commission and 2), that they know about. The commenters strongly agree with WorldCom that Qwest’s interpretation would limit the ability of state commissions to detect discrimination. AT&T Comments at 16-18. Secret agreements jeopardize good faith negotiations, the role of state commissions and

competition in local markets. New Mexico/Iowa Consumer Advocate Joint Comments at 5; Secret agreements prevent other CLECs from having access to the same arrangements. Focal/Pac-West Joint Comments at 9-11.

The filing requirement in section 252 of the Act enables state commissions to detect and prevent the establishment of discriminatory agreements such as the ones for which Qwest is under investigation. AT&T Comments at 14-18; Focal/Pac-West Joint Comments at 3. While Qwest frames the approval process as burdensome, the process is not, in fact, an impediment to business relations.⁴ The real impediment to ILEC-CLEC business dealings is the provision of disparate service for the same price. As Focal/Pac-West argued, if Qwest is allowed to individualize its service offerings through secret deals, CLECs will be at a competitive disadvantage. Focal/Pac-West Joint Comments at 11-12.

CONCLUSION

The comments filed in this proceeding unanimously support a denial of Qwest's petition. The petition is groundless and contrary to the pro-competitive goals of the Act. Qwest's goal is not to obtain certainty and more expedient interconnection agreements for

⁴ WorldCom agrees with AT&T in that, even if the process was burdensome, a burdensome process is not a basis for ignoring Congressional directive. The cost of any delay in implementation of agreements is outweighed by preventing unjust discrimination and ensuring local competition.

CLECs, but to avoid sanctions by the state commissions (and possibly this Commission) for Qwest's failure to comply with the Act.

Respectfully submitted,

WORLDCOM, INC.

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Dated: June 13, 2002

Certificate of Service

I, Lonzena Rogers, do hereby certify, that on this twentieth day of June, 2002, I have caused a true and correct copy of WorldCom, Inc.'s Reply Comments in the matter of WC Docket No. 02-89 to be served by United States Postal Service first class postage, hand delivery and facsimile on the following:

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/s/
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